

Message Text

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ORIGIN EB-11

INFO OCT-01 NEA-10 ISO-00 FAA-00 L-03 CAB-09 CIAE-00

COME-00 DODE-00 INR-10 NSAE-00 RSC-01 /045 R

DRAFTED BY EB/OA/AVP:CHDUDLEY:DWL

APPROVED BY EB/OA/AVP:JASILBERSTEIN

L/EB - MR. GAITHER

FAA - MR. JETT (SUB)

NEA/IRN - MR. MICHAUD (DRAFT)

----- 006106

R 172200Z OCT 73

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: OCLR, IR

SUBJ: CLEARANCES FOR PRIVATE FLIGHTS

REF : TEHRAN 7278

1. DEPT PASSED SUBSTANCE PAR. 1, 3 REFTEL TO AOPA OFFICIAL CONCERNED WHO APPRECIATIVE OF EXPLANATION AND EMBASSY OFFER FOLLOW UP ON FUTURE REQUESTS.

2. HOWEVER, DEPT FAILS TO UNDERSTAND, AND, IF TAKEN AT FACE VALUE, COULD NOT ACCEPT QODSI ATTEMPT PAR. 2 REFTEL TO LINK APPROVAL OF PRIVATE FLIGHTS BY US REGISTERED AIRCRAFT TO IRANIAN INTEREST IN "GAINING RECIPROCITY." SUCH FLIGHTS ARE OPERATED UNDER TERMS OF ARTICLE 5 OF CONVENTION ON INTERNATIONAL CIVIL AVIATION (CHICAGO 1944) WHICH STATES, INTER ALIA,

"EACH CONTRACTING STATE AGREES THAT ALL AIRCRAFT OF THE OTHER CONTRACTING STATES, BEING AIRCRAFT NOT ENGAGED IN SCHEDULED INTERNATIONAL AIR SERVICES SHALL HAVE THE RIGHT, SUBJECT TO THE OBSERVANCE OF THE TERMS LIMITED OFFICIAL USE

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OF THIS CONVENTION, TO MAKE FLIGHTS INTO OR IN TRANSIT

NON-STOP ACROSS ITS TERRITORY AND TO MAKE STOPS FOR
NON-TRAFFIC PURPOSES WITHOUT THE NECESSITY OF OBTAINING
PRIOR PERMISSION, AND SUBJECT TO THE RIGHT OF THE STATE

FLOWN OVER TO REQUIRE LANDING."

BEGIN FYI: WHILE ARTICLE 5 SEEMINGLY WOULD PROHIBIT
PRACTICE OF REQUIRING PRIOR APPROVAL ARTICLE 11 HAS
BEEN INTERPRETED BY A NUMBER OF STATES AS MODIFYING
ARTICLE 5 BY PERMITTING IMPOSITION OF SUCH A PRACTICE.
END FYI.

THUS RECIPROCITY NOT INVOLVED IN IRANIAN APPROVAL OF
PRIVATE FLIGHTS; RATHER IT IS QUESTION OF IRAN COMPLY-
ING WITH OBLIGATION ASSUMED AS PARTY TO CONVENTION TO
PERMIT SUCH FLIGHTS.

3. FOR QODSI INFORMATION APPLICABLE US REGULATIONS ON
OVERFLIGHT/LANDING ARE FULLY CONSISTENT WITH ARTICLE 5
OBLIGATION. (NO PRIOR CLEARANCE REQUIRED FROM US AVIATION
AUTHORITIES FOR PRIVATE FLIGHTS TO US BY AIRCRAFT
REGISTERED IN STATE PARTY TO CHICAGO CONVENTION.
ESSENTIALLY, FLIGHT PLAN MUST BE FILED, AND FEDERAL
AVIATION ADMINISTRATION REGULATIONS REGARDING OPERATION
IN US AIRSPACE MUST BE COMPLIED WITH). WE WOULD, OF
COURSE, BE INTERESTED IN ANY INSTANCE WHERE IRAN BELIEVES
US HAS NOT MET OUR OBLIGATION UNDER ARTICLE 5 TO PERMIT
PRIVATE FLIGHTS BY AIRCRAFT REGISTERED IN IRAN.

4. EMBASSY SHOULD, AT APPROPRIATE OPPORTUNITY, AND TO
EXTENT NECESSARY, MAKE CLEAR TO QODSI AND/OR OTHER
APPROPRIATE OFFICIALS OUR POSITION THAT APPROVAL OF
PRIVATE FLIGHTS IN NO WAY A MATTER OF RECIPROCITY. KISSINGER

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